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EXAMINER

PHAM, LUU T

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/687,459	Applicant(s) DE JONG, EDUARD K.	
	Examiner LUU PHAM	Art Unit 2437	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-18, 28-36 and 72-88 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-18, 28-36 and 72-88 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the Amendment filed on 10/26/2009.
2. In the instant Amendment, claims 1-9, 19-27, and 37-71 were cancelled; claims 10-12, 14-16, 18, 28-30, 32-34, 36, 72-73, 82-86, and 88 have been amended; and claims 10, 15, 28, 33, 72, and 85 are independent claims. Claims 10-18, 28-36, and 72-88 have been examined and are pending. **This Action is made FINAL.**

Response to Arguments

3. The objections to claims 14, 18, 32, 36, 50, 54, 84, and 88 are withdrawn as the claims have been amended/cancelled.
4. The Double Patenting Rejection in view of U.S. Patent 7,398,557 is withdrawn as the Terminal Disclaimer filed on 10/26/2009 has been reviewed and approved.
5. The rejections of claims 10-18 and 46-54 under 35 U.S.C. 101 are withdrawn as the claims have been amended/cancelled.
6. The rejections of claims 46-54 under 35 U.S.C. 112, second paragraph, are withdrawn as the claims have been cancelled.
7. Applicants' arguments in the instant Amendment, filed on 10/26/2009, have been fully considered but they are not persuasive.

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Applicants' arguments:

- a. *“[T]he rejection takes pieces from different parts of a system and recombines those pieces according to Applicant's claim language and not any teaching in Buhse;” and “Buhse shows that the pieces selected are on a system that is separate and distinct from the user devices.”*
- b. *“Buhse teaches away from Applicant's invention as recited in each of claims 10, 28, and 72 that recite a user device and structure and operations on such a device.”*
- c. *“Examination of Buhse shows that these elements [Client Interface, Offer Catalog, Account Management System, and Rights Locker components] are not on a common system as recited in these claims and do not interact in the order and with the elements recited in the claims. ... Fig. 1A of Buhse shows that CLI 101 is outside the system that includes AMS 103 and RLC 104”*
- d. *“Paragraphs [0029] to [0033] and [0064] to [0072] of Buhse fail to include any teaching of a specification or an authenticated request that is received from one of the user devices in Fig. 1A of Buhse. Also, there has been no showing that the authenticated request was authenticated by what the rejection characterized as the rights locker provider.”*

The Examiner disagrees for the following reasons:

- a. All passages/cited paragraphs are teaching excerpted from the disclosure of Buhse. Fig. 1 illustrates parts/components of Buhse invention and each

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component interacts with each other to perform all functionalities of the digital distribution system; *“Components send and receive messages from other component even if they are not directly connected to each other” (par. 0039).* Also, *“[t]he system of FIG. 1 can integrate into a single system all of the processes of digital information distribution, from content preparation to subscription administration, end-user rights management and cross-platform down-load management;” (par. 0038).* Customers can access the Offer Catalog Component 102 and are able to download digital content to their media play back devices, such as MP3 player’s, cell phone, PDA’s and PCs; the Account Management System processes consumer purchase order; and the Rights Locker Component issues purchased products to the customer (*pars. 0029, 0033, and 0045*). It is clear that a user is able to access to the digital distribution system, place an order, and trigger all functionalities of the Digital Rights Management system; and therefore, Buhse encompasses all limitations claimed by the Applicants in claims 10, 15, 28, 33, 72, and 85.

- b. It would be improper to conclude that Buhse *“teaches away’ from Applicant’s invention,*” since nowhere does Buhse criticize, discredit, or otherwise discourage the steps of *“determining a digital content specification and associated authenticated rights locker access request,” “sending authenticated rights locker access request,” and “receiving a new authenticated rights locker access request for the rights locker”* as claimed by the Applicant. *“The prior art’s mere disclosure of more than one alternative does not constitute a teaching away from*

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any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed....” In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004); (emphasis added). See also MPEP §2123. Therefore, the references do not teach away from the claimed invention. Regarding the argument wherein “*each of claims 10, 28, and 72 that recite a user device and structure and operations on such a device,*” Buhse clearly teaches user devices (*at least pars. 0029-0033 and 0045-0048; Figs. 1A-2C; [Consumer play back devices]*). Consumers are able to access to the digital distribution system, place an order, and trigger all functionalities of the Digital Rights Management system.

- c. As discussed in section a) above, Customers can access the Offer Catalog Component 102 and are able to download digital content to their media play back devices, such as MP3 player's, cell phone, PDA's and PCs; the Account Management System processes consumer purchase order; and the Rights Locker Component issues purchased products to the customer (*pars. 0029, 0033, and 0045*). It is clear that a user is able to access to the digital distribution system, place an order, and trigger all functionalities of the Digital Rights Management system; and therefore, Buhse encompasses all.
- d. Buhse does disclose a specification or an authenticated request that is received from one of the user devices (*pars. 0029-0033 and 0064-0072; Fig. 2C; steps 1; the Offer Catalog Component 102, accessible by customers, provides customers*

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with a listing of the digital products available from each client; the Consumer logs in using the promotion ID and selects the product to be downloaded and submits the request for content; see also pars. 0155-0161 and 0175-0180; Figs. 2C, 6A and 7A-7C; catalog request and purchase request

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. **Claims 10-11, 14-15, 18, 28-29, 32-33, 36, 72-73, 84-85, and 88 are rejected under 35**

U.S.C. 102(e) as being anticipated by Buhse et al., (hereinafter “Buhse”), U.S. Patent

Application Publication No. 2004/0024652, filed on January 29, 2003.

- **Regarding claim 10**, Buhse discloses a method for digital content access control

(pars. 0029-0033; Figs. 1 and 2C) , comprising:

determining, on a user device, a digital content specification and associated authenticated rights locker access request wherein said associated authenticated rights locker access request was authenticated by a right locker provider for the rights locker
(pars. 0029-0030, 0042, and 0065-0066; Figs. 1 and 2C; step 1 and steps 4a: ‘select

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content'; the Offer Catalog Component 102 accessible by customers, provides customers with a listing of the digital products available from each client; in response to the client or prescriptions directions, the Right Locker Component 104 issued purchased products to the customer; the consumer logs in using the promotion ID; see also pars. 0064-0072);

sending, from said user device to said rights locker provider for the rights locker, said authenticated rights locker access request and said digital content specification (pars. 0029-0033, 0066, 0156-0159, and 0166; Figs. 1 and 2C; step 4a: 'select content'; the consumer selects the products to be downloaded and submits the request for content; the Rights Locker Component (RLC) 104 maintains a Rights Database, which contains rights information for each consumer; see also pars. 0064-0072, 0102-0110, and 0124-0135);

receiving, on said user device from said rights locker provider, a new authenticated rights locker access request for the rights locker and a Web page with one or more clickable links in response to said sending, at least one of said one or more clickable links associated with an authenticated digital content request (pars. 0033, 0067-0068, 0156-0159, and 0165-0166; Fig. 2C; step 6a: 'download SW request'; the Rights Locker Component (RLC) 104 is the client's branded customer interface; the consumer is prompted to download software needed to play the content; see also pars. 0047-0062, 0064-0071, and 0169-0172);

receiving, on said user device, an indication of a user selection of one of said one or more clickable links (par. 0068; Fig. 2C; step 6a: 'download SW request'; the consumer is prompted to download software needed to play the content; see also pars. 0055-0063, , 0156-0159, 0165-0166, and 0185-0190; the Consumer visits a retail website or a Rights

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Locker website to view the subscription plan (playlist) and selects tracks to download; the result returned is either in the form of links to retrieve the content, or proprietary order blocks);

sending, from said user device, said new authenticated rights locker access request and an indication of the right associated with said one of said one or more clickable links to said rights locker provider (*pars. 0055-0063, 0068, and 0185-0190; Figs. 2C and 7C; step 6b: 'SW downloaded'; the Consumer visits a retail website or a Rights Locker website to view the subscription plan (playlist) and selects tracks to download; the result returned is either in the form of links to retrieve the content, or proprietary order blocks; see also pars. 0106, 0155-0157, and 0165-0166; the consumer determines which rights to transfer to other devices); and*

receiving, on said user device from a digital content repository, said digital content in response to said sending said new authenticated rights locker access request (*pars. 0069-0071; Fig. 2C; step 9b: 'product receipt'; the OMS 105 updates the promotion site, and selected products are downloaded to the Consumer device; pars. 0155-0161, 0169-0172, and 0185-0190; Figs. 2C and 7C; FIG. 7C; OMS creates a new license using the required DRM product, and returns the result to the user).*

- **Regarding claim 11**, Buhse discloses the method of claim 10 wherein

said method further comprises determining, on said user device, one or more delivery parameters, said one or more delivery parameters indicating where said digital content should be sent, a delivery mechanism, or both (*pars. 0064-0072 and 0185-0190; Figs. 2C and 7C; the Consumer is prompted to download software needed to play the*

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content; the result returned is either in the form of links to retrieve the content, or proprietary order blocks); and

said sending said authenticated rights locker access request and said digital content specification further comprises sending said one or more delivery parameters (**).

- **Regarding claim 14**, Buhse discloses the method of claim 10 wherein said new authenticated rights locker access request is encapsulated in a Hypertext Transfer Protocol (HTTP) Response message (*pars. 0040-0043, 0053, and 0062; XML messaging via http can be used to enable communication and easy integration with existing systems; the Distributor website receives the purchase response*).

- **Regarding claim 15**, Buhse discloses a method for digital content access control (*pars. 0029-0033; Figs. 1 and 2C*), comprising:

receiving, by a rights locker provider from a user device, a first authenticated rights locker access request and a digital content specification wherein said first authenticated rights locker access request was authenticated by said right locker provider for the rights locker (*pars. 0029-0033 and 0064-0072; Fig. 2C; steps 1; the Offer Catalog Component 102, accessible by customers, provides customers with a listing of the digital products available from each client; the Consumer logs in using the promotion ID and selects the product to be downloaded and submits the request for content; see also pars. 0155-0161 and 0175-0180; Figs. 2C, 6A and 7A-7C; catalog request and purchase request*);

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validating, by said rights locker provider, said first authenticated rights locker access request (*pars. 0029-0033 and 0064-0072; Fig. 2C; steps 1, 4a, and 4b; the Consumer logs in using the promotion ID and selects the product to be downloaded and submits the request for content*); and

if said validating indicates said first authenticated rights locker access request is valid (*pars. 0064-0072, 0155-0161 and 0175-0180; Figs. 2C and 7A-7C; catalog request and purchase request; after successfully logged in using the promotion ID, the Consumer can select the product to be downloaded and submits the request for content*),

creating, by said rights locker provider, a Web page with one or more clickable links that comprise an authenticated digital content request for use in accessing digital content stored by a digital content repository (*pars. 0047-0062, 0064-0071, 0155-0161, 0169-0172, and ; Figs. 2A-2C and 6A; the consumer is prompted to download software needed to play the content; see also pars. 0055-0063, , 0156-0159, 0165-0166, and 0185-0190; the Consumer visits a retail website or a Rights Locker website to view the subscription plan (playlist) and selects tracks to download*);

sending, by said rights locker provider to said user device, a second authenticated rights locker access request for the rights locker and said Web page (*pars. 0047-0062, 0064-0071, 0155-0161, 0169-0172, and ; Figs. 2A-2C and 6A; the consumer is prompted to download software needed to play the content; see also pars. 0055-0063, , 0156-0159, 0165-0166, and 0185-0190; the Consumer visits a retail website or a Rights Locker website to view the subscription plan (playlist) and selects tracks to download*);

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receiving, by said rights locker provider from said user device, and validating, by said rights locker provider, said second authenticated rights locker access request for the rights locker (*pars. 0055-0063, 0068, and 0185-0190; Figs. 2C and 7C; step 6b: 'SW downloaded'; the Consumer visits a retail website or a Rights Locker website to view the subscription plan (playlist) and selects tracks to download; the result returned is either in the form of links to retrieve the content, or proprietary order blocks; see also pars. 0106, 0155-0157, and 0165-0166; the consumer determines which rights to transfer to other devices*);

obtaining, by said rights locker provider, an authenticated digital content request if said second authenticated rights locker access request is valid (*pars. 0047-0062, 0064-0071, 0155-0161, 0169-0172, and ; Figs. 2A-2C and 6A; The OMS 105 updates the RLC 104 with the new content/rights; the OMS 105 sends a rights update request to the Rights Locker 104 and sends a purchase response to the Distributor, and then receives rights status responses*); and

sending, by said rights locker provider, said authenticated digital content request to a digital content repository (*pars. 0055-0063, 0155-0161, 0169-0172, and 0185-0190; Figs. 2C and 7C; FIG. 7C; OMS creates a new license using the required DRM product, and returns the result to the user; the OMS 105 updates the promotion site, and the selected products are downloaded to the Consumer device*).

- **Regarding claim 18**, claim 18 is similar in scope to claim 14, and is therefore rejected under similar rationale.

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- **Regarding claims 28-29**, claims 28-29 are similar in scope to claims 10-11 respectively, and are therefore rejected under similar rationale.
- **Regarding claims 32-33**, claims 32-33 are similar in scope to claims 14-15 respectively, and are therefore rejected under similar rationale.
- **Regarding claim 36**, claim 36 is similar in scope to claim 14, and is therefore rejected under similar rationale.
- **Regarding claims 72-73**, claims 72-73 are similar in scope to claims 10-11 respectively, and are therefore rejected under similar rationale.
- **Regarding claims 84-85**, claims 84-85 are similar in scope to claims 14-15 respectively, and are therefore rejected under similar rationale.
- **Regarding claim 88**, claim 88 is similar in scope to claim 14, and is therefore rejected under similar rationale.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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11. **Claims 12-13, 16-17, 30-31, 34-35, 48-49, 52-53, 82-83, and 86-87 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Buhse et al., (hereinafter “Buhse”), U.S. Patent Application Publication No. 2004/0024652, filed on January 29, 2003, in view of Jiang et al., (hereinafter “Jiang”), U.S. Patent No. 7,136,631, filed on November 09, 2000.

- **Regarding claim 12**, Buhse discloses the method of claim 10.

Buhse does not explicitly disclose storing at least part of said new authenticated rights locker access request in a bookmark on said user device.

However, in an analogous art, Jiang discloses a method for accessing to information networks, including steps of storing at least part of said new authenticated rights locker access request in a bookmark on said user device (*Jiang: col. 11, lines 59-62; the preference profile contains users’ preferences with regard to the services and devices. Preferences comprise device activation times, bookmarks, and notification preferences*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Jiang with the method and system of Buhse to include steps of storing at least part of said new authenticated rights locker access request in a bookmark on said user device to provide users with a method for mobile station users to request user-dependent data without the need for entering user identification information (*Jiang: col. 5, lines 38-44*).

- **Regarding claim 13**, Buhse discloses the method of claim 10.

Buhse does not explicitly disclose said new authenticated rights locker access request is embedded in a Web cookie.

However, in an analogous art, Jiang discloses a method for accessing to information networks, wherein new authenticated rights locker access request is embedded in a Web cookie (*Jiang: col. 3, lines 33-43; if the user's authentication information is contained in the cookie, the user is automatically granted access to the web site, as customized by the user, without further interaction*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Jiang with the method and system of Buhse wherein new authenticated rights locker access request is embedded in a Web cookie to provide users with a method for mobile station users to request user-dependent data without the need for entering user identification information (*Jiang: col. 5, lines 38-44*).

- **Regarding claims 16-17**, claims 16-17 are similar in scope to claims 12-13 respectively, and are therefore rejected under similar rationale.
- **Regarding claims 30-31**, claims 30-31 are similar in scope to claims 12-13 respectively, and are therefore rejected under similar rationale.
- **Regarding claims 34-35**, claims 34-35 are similar in scope to claims 12-13 respectively, and are therefore rejected under similar rationale.
- **Regarding claims 82-83**, claims 82-83 are similar in scope to claims 12-13 respectively, and are therefore rejected under similar rationale.

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- **Regarding claims 86-87**, claims 86-87 are similar in scope to claims 12-13 respectively, and are therefore rejected under similar rationale.

12. **Claims 74-81 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Buhse et al., (hereinafter “Buhse”), U.S. Patent Application Publication No. 2004/0024652, filed on January 29, 2003, in view of Mukherjee et al., (hereinafter “Mukherjee”), U.S. Patent Application Publication No. 2003/0073440, filed on June 25, 2002.

- **Regarding claim 74**, Buhse discloses the apparatus of claim 72.

Buhse does not explicitly disclose said apparatus comprises a smart card.

However, in an analogous art, Mukherjee discloses a method for detecting and transport dynamic information, wherein said apparatus comprises a smart card (*Mukherjee: pars. 0054-0058 and 0133*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Jukherjee with the method and system of Buhse wherein said apparatus comprises a smart card to provide users with a means for detecting and transporting dynamic presence information over a wireless and wireline communication (*Jukherjee: par. 0009*).

- **Regarding claim 75**, Buhse discloses the apparatus of claim 74.

Buhse does not explicitly disclose said smart card comprises a Java Card TM technology-enabled smart card.

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However, in an analogous art, Mukherjee discloses a method for detecting and transport dynamic information, wherein said smart card comprises a Java Card TM technology-enabled smart card (*Mukherjee: pars. 0054-0058 and 0133*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Jukherjee with the method and system of Buhse wherein said smart card comprises a Java Card TM technology-enabled smart card to provide users with a means for detecting and transporting dynamic presence information over a wireless and wireline communication (*Jukherjee: par. 0009*).

- **Regarding claim 76**, Buhse discloses the apparatus of claim 74.

Buhse does not explicitly disclose said smart card comprises a CDMA (Code Division Multiple Access) technology-enabled smart card.

However, in an analogous art, Mukherjee discloses a method for detecting and transport dynamic information, wherein said smart card comprises a CDMA (Code Division Multiple Access) technology-enabled smart card (*Mukherjee: pars. 0054-0058 and 0133*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Jukherjee with the method and system of Buhse wherein said smart card comprises a CDMA (Code Division Multiple Access) technology-enabled smart card to provide users with a means for detecting and transporting dynamic presence information over a wireless and wireline communication (*Jukherjee: par. 0009*).

- **Regarding claim 77**, Buhse discloses the apparatus of claim 74.

Buhse does not explicitly disclose said smart card comprises a SIM (Subscriber Identity Module) card.

However, in an analogous art, Mukherjee discloses a method for detecting and transport dynamic information, wherein said smart card comprises a SIM (Subscriber Identity Module) card (*Mukherjee: pars. 0054-0058 and 0133*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Jukherjee with the method and system of Buhse wherein said smart card comprises a SIM (Subscriber Identity Module) card to provide users with a means for detecting and transporting dynamic presence information over a wireless and wireline communication (*Jukherjee: par. 0009*).

- **Regarding claim 78**, Buhse discloses the apparatus of claim 74.

Buhse does not explicitly disclose said smart card comprises a WIM (Wireless Interface Module).

However, in an analogous art, Mukherjee discloses a method for detecting and transport dynamic information, wherein said smart card comprises a WIM (Wireless Interface Module) (*Mukherjee: pars. 0054-0058 and 0133*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Jukherjee with the method and system of Buhse wherein said smart card comprises a WIM (Wireless Interface Module) to provide users with a means for detecting and transporting dynamic presence information over a wireless and wireline communication (*Jukherjee: par. 0009*).

- **Regarding claim 79**, Buhse discloses the apparatus of claim 74.

Buhse does not explicitly disclose said smart card comprises a USIM (Universal Subscriber Identity Module).

However, in an analogous art, Mukherjee discloses a method for detecting and transport dynamic information, wherein said smart card comprises a USIM (Universal Subscriber Identity Module) (*Mukherjee: pars. 0054-0058 and 0133*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Jukherjee with the method and system of Buhse wherein said smart card comprises a USIM (Universal Subscriber Identity Module) to provide users with a means for detecting and transporting dynamic presence information over a wireless and wireline communication (*Jukherjee: par. 0009*).

- **Regarding claim 80**, Buhse discloses the apparatus of claim 74.

Buhse does not explicitly disclose said smart card comprises a UIM (User Identity Module).

However, in an analogous art, Mukherjee discloses a method for detecting and transport dynamic information, wherein said smart card comprises a UIM (User Identity Module) (*Mukherjee: pars. 0054-0058 and 0133*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Jukherjee with the method and system of Buhse wherein said smart card comprises a UIM (User Identity Module) to provide users with a means for detecting and transporting dynamic presence information over a wireless and wireline communication (*Jukherjee: par. 0009*).

- **Regarding claim 81**, Buhse discloses the apparatus of claim 74.

Buhse does not explicitly disclose said smart card comprises a R-UIM (Removable User Identity Module).

However, in an analogous art, Mukherjee discloses a method for detecting and transport dynamic information, wherein said smart card comprises a R-UIM (Removable User Identity Module) (*Mukherjee: pars. 0054-0058 and 0133*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Jukherjee with the method and system of Buhse wherein said smart card comprises a R-UIM (Removable User Identity Module) to provide users with a means for detecting and transporting dynamic presence information over a wireless and wireline communication (*Jukherjee: par. 0009*).

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luu Pham whose telephone number is 571-270-5002. The examiner can normally be reached on Monday through Friday, 7:30 AM - 5:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel L. Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Luu Pham/
Examiner, Art Unit 2437

/Emmanuel L. Moise/
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